

UNITED STATES BANKRUPTCY COURT
Eastern District of Wisconsin

In the Matter of:

Chapter 13

Richard R. Delvaux
Lorelee L. Delvaux

Case No. 15-33373

Debtor(s).

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Richard R. Delvaux Lorelee L. Delvaux (Name of proponent of modification) has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

John A. Foscatto 1018196
Law Offices of John A. Foscatto
110 Packerland Dr. Ste. D
Green Bay, WI 54303

If you, or your attorney, do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

John A. Foscatto
Law Offices of John A. Foscatto
110 Packerland Dr. Ste. D
Green Bay, WI 54303
920-432-8801
920-432-8859

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:

- ☒ the Debtor;
☐ the Chapter 13 Trustee (post-confirmation modifications only);
☐ the holder of an unsecured claim (post-confirmation modifications only).

Name: _____

2. This is a request to modify a Chapter 13 Plan (Select A. or B.):

- ☐ A. post-confirmation;
☒ B. pre-confirmation (Select i. or ii);

- ☒ i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or
- ☐ ii. Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)).
The creditors affected are: (Enter creditors)

3. The Proponent wishes to modify the Chapter 13 Plan to do the following:
To increase the dividend to unsecured creditors with allowed claims to 100%.

4. The reason(s) for the modification is/are:
Amended Schedule J provides enough income to cause the debtors to amend the plan to pay all allowed claims.

5. Select A. or B.

☐ A. The Chapter 13 Plan confirmed or modified on _____ is modified as follows:
(State the specific language of the modification.)

☒ B. The unconfirmed Chapter 13 Plan dated 12/15/15 is modified as follows:
Section 2: Debtors shall pay \$825.00 monthly for the duration of their 60 month plan.
Section 7: After all other classes have been paid, Trustee will pay to the creditors with allowed general unsecured claims a pro rata share of not less than \$7,900.00 or 100%, whichever is greater.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. **BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

CERTIFICATION

Complete one of the certifications below:

1. I/We, Richard R. Delvaux Lorelee L. Delvaux, the debtor(s) in this case, certify that I/we have reviewed the modification to the Chapter 13 plan proposed in this motion, and I/we authorize my/our attorney to file it with the court.

Debtor

Date

Debtor

Date

OR

2. I John A. Foscatto, attorney for debtor(s) Richard R. Delvaux Lorelee L. Delvaux certify that I have reviewed the modification proposed above with the debtor(s), and that the debtor(s) has/have authorized me to file it with the court.

/s/ John A. Foscatto

Counsel for the debtor(s)

5/27/16

Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: 5/27/16

Attorneys for Richard R. Delvaux
Lorelee L. Delvaux

Law Offices of
John A. Foscatto

at City, State.

Green Bay, Wisconsin

By: John A. Foscatto

Bar No. 1018196

**United States Bankruptcy Court
Eastern District of Wisconsin**

In re Richard R. Delvaux
Lorelee L. Delvaux

Debtor(s)

Case No. 15-33373

Chapter 13

PROOF OF SERVICE BY MAIL

I, Sherri L. Williquette, declare that I am a resident of or employed in the County of Brown, State of Wisconsin. I am over the age of eighteen years of age and am not a party to this case.

On the 27th day of May, I served the Notice of Motion to Modify Chapter 13 Plan on the parties listed below, by placing true and correct copies thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail addressed as follows:

**Richard & Lorelee Delvaux
4552 Shawano Ave.
Green Bay, WI 54313**

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on 5/27/16.

/s/ Sherri L. Williquette

Signature

Sworn and subscribed to before me this 27th day of May, 2016.

/s/ John A. Foscatto

**Notary Public; my commission is
permanent.**